



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE PENNSYLVANIA ASSEMBLY IN 1761-2.

A MEMORANDUM KEPT BY SAMUEL FOULKE.¹

CONTRIBUTED BY HOWARD M. JENKINS.

An Account of the proceedings of the General Assembly of Pennsylvania Commenc'd Oct. 14. 1761 with Some remarks on Such Occurrences as were most worthy of notice, Written for my Own satisfaction & Retrospection hereafter.

Oct. 14th. Went to Town in Company with my respected Friend & Kinsman Row^d Evans,² and in y^e Afternoon, of ye Same day, with Several other New Members, made our first appearance in the House, where I was particularly Complemented & Welcomed by ye Chiefe Justice of the Province, who arose from his Seat to Meet me & taking me by the Hand, very kindly Invited me to take my Seat; this Extraordinary behaviour of So great a man to me who was an Entire Stranger to him, I look'd upon as an Artifice to draw me over to his party.

In ye Evening a Quoram of ye house being met proceeded to Chuse a Speaker when Isaac Norris was Unanimously Chosen and handed into ye Chair by 3 or 4 of the Senior

¹ This is the opening of what was doubtless a continuous and complete journal, kept by Samuel Foulke, of Bucks County, during his service as member of the Colonial Assembly, from 1761 to 1768. A fragment of the journal relating to sessions in 1762-3-4, was published in the *PENNSYLVANIA MAGAZINE*, Vol. V. pp. 60-73. Since then the fragment now printed has come to light.

² Rowland Evans, a native of Gwynedd (now Montgomery Co.), was a member of the Colonial Assembly, from Philadelphia County (his residence being in Gwynedd, and later in Perkiomen), from 1761 to 1771, excepting 1764. He removed to Philadelphia in 1784, and in September, 1785, was appointed one of the commissioners of the general loan office of the State, which place he held until his death in August, 1789. His wife, Susanna Foulke, of Gwynedd, was first cousin to Samuel Foulke, of Richland, who kept the Journal.

Members. and after ye Sherrifs Indentures from ye respective Counties were read and the repr^s Called Over the House Adjourned to next [day] at 10 o'Clock.

Oct. 15. The House being met Sent notice thereof to ye Governor, who was pleased to give his Attendance about 12 o'Clock in the Council Chamber, of which he Sent ye House Notice by the Secretary—the House then went up in a body to wait on ye Governor and presented their Speaker, were favourably & politely received, and after ye Usual Ceremonies mutually passed, were respectfully Dismissed by ye Governor.

In ye Afternoon the Speaker laid before the House the business depending, & left Unfinished by ye preceding Assembly (I had like to have forgot that ye members were first Qualified & ye Officers of the House appointed, viz^t Treasurer, Clerk, Sergeant at Arms, & Door keeper.)

16. The House Agreed to Continue Benjamin Franklin Esq. their Agent in Great Britain which was obstreperously opposed by Wm Allen without a Second.

Then Came under Consideration the case of the New recording office which had lately been repealed by ye Crown & Some Affairs relating to it left unsettled by ye last Assembly, who had agreed to pay the Officer J. Hughs 1350 pounds for his Service, on his delivering up all the Books & papers belonging to the Office, which he had refus'd to do, thinking he had a right to keep 'em 'till a Law Should be made to dispose of 'em for ye use of ye publick—he Still persisted in his refusal, which produced warm Altercations between him & Judge Allen who violently Opposed his own noise to Hughs's Eloquence with very poor Success;—it seems a little strange that notwithstanding Hughs's Arguments were really unanswerable Yet a Majority of ye House Insisted on his Delivering up his Books, not without Some Implied threats of wresting them out of his hands by force in Case of his non Compliance, which however he was far from being Intimidated by, being of opinion that as they were put into his hands by the joynt Authority of both Branches of ye Legislature, no less authority Cou'd Legally take 'em from him; So ye affair was left in Suspence for ye time the House

turned to some other affairs Comming of Course under consideration Such as Appointing Standing Committees for ye year &c.

Oct. 17. The House resum'd the affair of the recording Office, when J. Hughs, to ye Agreeable Surprise of many present, yielded up ye point in dispute he having been Treated with in ye preceding night by J. Galloway & R. Evans two members of ye House who, he was Convinc'd acted from motives of true Friendship and publick spirit in ye case; they prevailed on him to Condescend to the House 'tho' they were of the Same Opinion with him, respecting his right to keep ye Books of his Office 'till a Law Should be made to render them Useful to ye publick, Yet as they Saw no Inconveniency that wou'd arise to ye publick from such Condescension Advised it, rather than to waste Time by Continuing a fruitless Debate in the House, he therefore acquainted ye House, he was ready to deliver up the Sd. Books to Such a Committee as they Shou'd please to appoint to receive them—A Committee was then appointed to rec'. & Secure them and to prepare a Bill against next Session for Authenticating the Same which last measure was Obstinate and unreasonably Opposed by Allen Alone. Here I may observe that I was not a little Chagrined to See in that Honorable House so great a departure from that decency Decorum & Solemnity which I expected to have Seen Inviolably adhered to in So August an Assembly, but instead of Emulating One another in such Conduct and behaviour as wou'd be most Conducive to preserve & Maintain the Dignity & Authority of the House, too many of the Members seem'd to forget where they were situated and what their Country Expected of them by placing them in that Station. I must however Confess, I was perfectly pleased with the Good Conduct & Capacity of the Speaker, his abilities and Qualifications to Act in that Important Station Exceeded my Expectation. Except his Indulgence to Some Irregularities, too prevalent among the Members; Yet there are Several Worthy Members in the House, to whose Conduct I have no Objection but, that they too tamely Suffer the Misconduct of others.

Having gone thro the Business which then appeared necessary the House Adjourned to the 4th Day of January.

Jan 4 1762. The House met pursuant to their adjournm^t and proceeded to business.

5th. A Bill brought in for regulating the Supream Courts, and another for Erecting a recording Office for warrants & Surveys &c and for authenticating the Books Compiled by John Hughs in pursuance of a late Act repealed by y^e Crown which were deliberately Consider'd and with moderation Debated for Several days.

8th. upon Considering Some part of y^e former Bill a warm debate arose between Allen and Galloway, when J. Hughs, with much Candor & Ingenuity acted the part of a Mediator but upon Allen's making Some Sarcastic remarks on his Speech, Hughs in return with Equal Ingenuity and Spirit paid him his Own with Interest.

In the Course of this Debate Galloway remarkably displayed his Talent of Eloquence & an Extensive knowledge of the Laws of England and of ye fundamental principles of the Brittish Constitution, and the judicial processes Used in our Mother Country.

9th. The House resolved that instead of the Supream Judges riding the Circuit a Sett of Judges be appointed in each County holding Commissions during good behaviour, which being determined by Vote the whole House rose Except ye C. Justice who remained Single in the Opposition.

In the Debate upon this measure a Violent Storm arose in ye House Chiefly between Allen and Galloway, which broke Over all bounds of Decency, in which the Speaker Unhappily join'd and shew'd not only marks of great impatience but even rage, which however was of no long Continuance, but Subsided by means of ye kind & generous interposition of those two publick Spirited Gentlemen John Hughs & Jno. Banton.

12th. The House was Inform'd that Sundry Persons of the Female Sex had been wounded in a very barbarous and unheard of manner, as they were going about their Lawful Occasions along the Streets of ye City in ye Evenings of

Several of the preceeding Days—the House after taking measures for obtaining fuller information of the facts, resolved to lay the case before the Governor requesting him to Use all the means in his power to detect the Inhuman perpetrators of the horrid Villainy and to offer a reward of 50 £ for apprehending them.

15th. from the 12th to ye 15th nothing remarkable happen^d when a Bill for ye better repairing the Highways &c was brought in & Considered on which a tedious debate Ensued, between Allen, Morton, Waive, Potts, &c. of One Side and Fox, Galloway Smith, Ashbridge, Wright, Webb, &c of ye Other Side which Continued till Night.

16th. proceeded on ye Same Bill, and after an obstinate dispute with indecent invectives & bitter altercations Chiefly between Galloway and ye C Justice, the latter with 3 other members stood up & moved that ye Question Should be put whether Highways &c should be repaired by a general Tax, Galloway with 3 more stood up in Opposition & moved for the previous Question which had like to have produced a storm, but a Certain Country Member interposing, proposed a medium for Conciliating the parties, by Changing the Mode of the Question, as he presumed there was not a member in ye House but would readily agree to Such a Tax as would be necessary for redressing ye Grievances mentioned in the preamble of ye S^d Bill—the motion was approved & presently agreed to by the house and the Question being put whether a Tax should be raised for those purposes, the whole house 'rose to it Except 2 members of Chester County then the question being put whether ye money so to be raised should be for purchasing materials Only, the house was equally divided & ye Speaker gave it a Cast in the negative.

From the 16th to ye 26th nothing remarkable happened but go thro' ye Court Bill & proceeded on ye road Bill.

26. The House finding Occasion to wave ye Road Bill, took up that for the recording Office which was read & debated with great Moderation and Calmness 'till Night, when the Ch. Justice shewed a particular pique against the late Officer John Hughs, by tenaciously arguing for imposing a second

Oath upon him for authenticating the work he had Done upon Oath in which Unreasonable proposition he was not seconded by any one.

27th In the morning proceeded to Consider the Clause in the S^d Bill for appointing an Officer on which a long & tedious Debate arose, & a Certain great or rather big man, notably display'd his Talents as a Statesman, Politician, Orator! (alias) brawler, bigotted propertarian &c &c obstinately Contending that the Governor Should have the appointing a person to Officiate in Case of a Vacation untill the House quite wearied out with his noise moved for ye Question which being put whether the Clause should pass as it then Stood, the whole House 'rose to it but himself alone, who seemed to be proud of thus distinguishing himself on behalf of the proprietary prerogative, tho' he was pleased to Call it that of the Crown. Exulting to find himself the only member of so large a Legislative Body that had the penetration to See the matter in its proper light, but in the afternoon appear'd by the pensiveness of his aspect to have taken another turn of thought, probably reflecting on the impotence and unsuccessfulness of his Endeavors to Carry his point, and after while privately withdrew.

28th The Governor by his new Secretary Shippen returned the Court Bill with Such amendments or alterations as to a majority of the House appeared Enormous, which occasioned a virulent Dispute between the Ch. Justice and a Gentleman of the Law, but which got ye better, is a point difficult to decide.

From this day to the 1st of February nothing remarkable.

Feb. 1st An address from the Mo^{ly} Meeting of Friends in Philada Earnestly recommending to ye Care of the Legislature to Check the increase of vice occasioned by the Enormous increase of Taverns & Tippling Houses in Town and Country, Lotteries & Stage plays &c which was Seriously and and solemnly Considered and well spoke to by several of the members, of whom Joseph Galloway appeared to be the most zealous.

2^d The House resumed the Consideration of the Road Bill, which took up the whole day—it seem'd impossible to frame it in such manner as to Conciliate the different opinions & notions of the members. In the Evening after a long & laborious Debate which was Conducted with a good Degree of decency & moderation, the Speaker upon motion of ye House put the Question whether the Bill, as it then stood Corrected should be Transcribed for a third reading, which was Carried in the affirmative by a majority of Two Voyces.

From this Day to the Fifth inst, nothing remarkable happened.